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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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OVERLAND PARK, KS 66251-2100			2165	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,411

Applicant(s)

PACKHAM, TRACY

Examiner

Apu M. Mofiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Gwak et al., An Auto-Generating Tool for the MPEG-2 formatted Test data:ATEP, 2001 IEEE, pages 192-199 and hereinafter referred to as Gwak.

As to claims 1,13 and 20, Gwak teaches a method for generating data, comprising: providing a first file having at least one format definition including a plurality of field identifiers and a data value associated with at least one the field identifiers, the first file maintaining an identifier of at least a second file (i.e., ATEP (i.e., Auto Test Data Generator for Protocol) uses first files e.g., the database files that contain standard information e.g., structure information, format information, field information, rules and constraints and any other information that is needed to generate field values for the MPEG-2 TS-formatted test data to be included in a test file or test stream. The various details of the formatting information and various forms of rules/instructions (i.e., first instruction, second instruction, third instruction ... nth instruction) e.g., to create first file, second file, third file ... nth file etc. depend on the particular format or of particular test data and therefore considered descriptive data. Format definition e.g., COBOL data

definition or copybook format definition are just a use of the prior art and an intended use of the prior art is not patentable. The first files have to be read to retrieve the format information, instructions i.e., rules/functions any other necessary information to create field values in test data stream or file. Therefore determining information, reading, writing, associating are all inherent steps that need to be taken and has no patentable values unless the Applicant is creating a special way of reading, determining, associating format field data from first files. Additionally putting data in one file/multiple files or in various sections of one file is mere arrangement of data and arrangement of data is not a patentable feature. Gwak like the Applicant provides file(s) to keep format data, instruction data to automatically generate test data field values according to the format definition, field data, various other required data and instructions/functions/routines to create a test data file or stream (i.e., the second file or stream.) (page 193, col 2; page 194; page 195; page 196; page 197); providing an instruction for managing the second file (page 193, col 2; page 194; page 195; page 196; page 197); and generating to the second file a data string according to the format definition, the data string including the data value of the at least one field identifier (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 2, Gwak teaches wherein identifier of the at least second file is further defined as at least a portion of a name of the at least second file (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 3, Gwak teaches wherein the first file maintains information regarding a plurality of files and wherein the data value of the field identifier is generated to at least a third file of the plurality of files using at least one of the format definitions (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 4, Gwak teaches wherein the method further includes: creating, where the instruction is a create new file instruction, the second file and inserting, according to the format definition, the data value associated with the field identifier; and modifying, where the instruction is a modify file instruction, the second file with the data value of the field identifier using the format definition (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 5, Gwak teaches wherein a plurality of files are created where the instruction is the create new file instruction, the plurality of files created according to at least one of the format definitions with the data value associated with the field identifier (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 6, Gwak teaches wherein a plurality of files are modified where the instruction is the modify file instruction, the plurality of files modified according to at least one of the format definitions with the data value associated with the field identifier (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 7, Gwak teaches wherein the data value is further defined as test data (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 8, Gwak teaches wherein the field identifier is a COBOL data definition and wherein at least a portion of the format definition defines a copybook (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 9, Gwak teaches wherein the method further comprises: modifying at least one of the field identifier and data value of the first file; and modifying the instruction to indicate one of a create status, new file status or modify file status (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 10, Gwak teaches wherein generating to the second file the data value further comprises: reading the value from the first file; associating the data value with the field identifier; determining the format definition for writing to the second file; and overwriting an old data in the field identifier in the second file with the data value of the field identifier using the format definition (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 11, Gwak teaches wherein the instruction is further defined as a command line argument and wherein the method further comprises running an

application from the command line including the command line argument to generate to the second file (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 12, Gwak teaches wherein the instruction is maintained in the first file (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 14, Gwak teaches wherein the instruction is a selectable from one of a command line argument and a control portion of the first file (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 15, Gwak teaches wherein the field identifier and data value are contained in a definition portion of the first file (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 16, Gwak teaches wherein the format definition is maintained in a format portion of the first file (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 17, Gwak teaches wherein the processing component is further operable to identify the instruction as one of a change instruction and a new instruction, and wherein responsive to the change instruction the data value in the second file is changed using the field identifier and the format definition, and wherein responsive to

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the new instruction the data value is added to the second file based on to the field identifier and the format definition (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 18, Gwak teaches wherein the storage component is further operable to maintain a plurality of data values associated with a plurality of field identifiers of the format definition and wherein the processor is programmed to modify the second and a third files with the plurality of data values of the field identifiers according to the format definition (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 19, Gwak teaches wherein the storage component is further operable to maintain a plurality of data values associated with a plurality of field identifiers of the format definition and wherein the processor is programmed to generate to the second and a third files the plurality of data values of the field identifiers according to the format definition (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 21, Gwak teaches wherein providing the data field and data value to the test file includes generating a new test file having the data field and data value where the instruction is a generate new file instruction (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 22, Gwak teaches wherein providing the data field and data value to the test file includes modifying a value in the test file with the data value of the data field where the instruction is a modify test file instruction (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 23, Gwak teaches wherein only a value in the test file associated with the field identifier is modified with the data value (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 24, Gwak teaches identifying a plurality of test files in the property file; and generating to the plurality of test files the data value of the field identifier (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 25, Gwak teaches further comprising using a first format definition to write to a first test file of the plurality of test files and using a second format definition to write to a second test file of the plurality of files (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 26, Gwak teaches testing the application using the data value in the test file; modifying the data value of the data field to the property file with a new value to further test the application; generating to the test file the data field and the new value

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using the property file and based on the instruction; and testing the application using the new value in the test file (page 193, col 2; page 194; page 195; page 196; page 197).

As to claim 27, Gwak teaches wherein only the new value of the data field is written to the test file (page 193, col 2; page 194; page 195; page 196; page 197).

Points of Contact

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached at (571) 272-4146. The fax numbers for the group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.


Apu M. Mofiz
Primary Patent Examiner
Technology Center 2100

June 28, 2006